

## **Public Report Workgroup Notes**

### **5-9-07**

- Single space reports.
- Water, Sewer, Transportation, other departments are leaning on ADRE for regulation.  
Department is assuming role of other agencies, is it really necessary to submit all these extra documents to the department?
- Move toward all expedited filings.  
Will switching to all expedited filings affect HUD filings? The main concern is jeopardizing the HUD filing status.
- Use mentoring program for new developers/subdividers.
- Why submit both the questionnaire and the public report? Just submit Public report?
- Public report probably cannot be reduced in size, if anything we would disclose more
- Recommend a 2-mile disclosure for noise such as jet testing facilities.
- Moving towards electronic filings.  
“What will happen to Mom and Pop filings”  
Like the Licensing Department, most of the filings are electronic, however, some are still filed through the paper filing. This can happen with public report filings as well, but might take a little longer.
- Title companies usually put together the Public Reports anyway, why can't they regulate them?
- Use IT technology to fill out public reports.
- Combine the Yes/No questions with the Affidavit and only have one document for authorized signatory to execute.
- It is not clear who has to sign; do people with ownerships of more than 10% of corps & LLCs have to sign?
- There could be civil penalties to pay for developer after the Department pulls and reviews a file and finds major issues with it.  
Review committee is discussing raising Civil Penalties and having everything expedited.
- Wherever in the questionnaire there is a reference to a statute, make it a link.

- Get rid of “pre-inspections”.
- Add website links for research on ADRE’s website. Basically expound on what is already there such as city website links, Land Department, Commerce Department, etc.
- Get rid of title Schedule B pages at the end of the public report.
- Prepare and include a bullet-point table of contents so purchasers can go directly to the section they are most concerned about in the public report.  
An Executive Summary of the public report would need to be well written and it could cause more liability if something was forgotten and not included.
- Some easements may affect entire development even if they are not recorded for a specific lot, such as power lines.
- People don’t look at general plan, only complain about zoning when it affects them all of a sudden.
- We need to make it (the public report) readable.
- It is mandated that we have the military airport disclosure on the front page.
- Builders don’t want sales agents to interpret paperwork for buyer.
- Publicly traded companies have huge disclaimer.
- Majority of cases don’t have public reports, failure to disclose is most common complaint.
- Look at standard on resale vs. new sale.
- Amendments should take days not weeks, otherwise people have more time to cancel.
- Infrastructure issues are the real “meat” of the public report, need to shift the focus back to this.
- Why are sales contracts required with the filing?
- Review the Adjacent Lands questions to remove some of the disclosures, such as churches, parks, etc. In addition, reconsider only disclosing 2 miles as opposed to 5. It wouldn’t preclude a developer from disclosing more than is required.

- Need criteria for possibility of **proposed** use.  
Come up with language other than “proposed future use”.
- Work on an Amendment proposal to clarify for developers/subdividers, sales staff and others  
When and how they should amend their reports  
The documentation they should be giving purchasers;  
Who should be notified;  
What documents the Department expects in their files;  
What rescission rights purchasers have?
- Combine Utilities section in Public Report.
- Combine many questions, especially questions 8 through 21.  
Department should assume that the person responsible for completion is the Applicant, if not an explanation should be included. This would eliminate many duplicate questions which include the same response repeatedly.
- Delete the numerous disclosures throughout the Questionnaire that advise that, if applicable, the following statement must be inserted in the Public Report.  
These disclosures should be added to the Special Disclosures Statements for Public Report and made a part of the Application as another Exhibit. **OR,**  
In place of the disclosures, add a single sentence referring the reader to the Special Disclosures page.